

Clarke County

PLANNING COMMISSION TELECOMMUNICATIONS SUBCOMMITTEE MEETING MINUTES WEDNESDAY, AUGUST 24, 2016



A meeting of the Planning Commission Telecommunications Subcommittee was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Wednesday, August 24, 2016 at 3:58PM.

ATTENDANCE

Members Present: Robina Bouffault, Douglas Kruhm, and Jon Turkel

Members Absent: None

Staff Present: Brandon Stidham, Planning Director; Len Capelli, Economic Development Director

Others Present: George Condyles (Atlantic Group); Frank Stearns (attorney for Verizon Wireless); Cathy Kuehner (Winchester Star)

AGENDA

Mr. Turkel moved to approve the agenda as presented, seconded by Mr. Kruhm. All voted AYE.

APPROVAL OF MINUTES

Members voted 2-0-1 to approve the February 22, 2016 minutes as presented (Ms. Bouffault moved, Mr. Kruhm seconded). Mr. Turkel abstained as he was not present for that meeting.

Presentation and Discussion – Telecommunications Engineering Study

Mr. Stidham introduced George Condyles, the County's telecommunications consultant, to provide an overview of the telecommunications engineering study. Mr. Condyles gave a Powerpoint presentation that outlined the key issues with provision of broadband internet service and the process for developing the County's engineering study.

Following the presentation, Mr. Turkel noted that there are parts of the County that do not have voice coverage and we need to make sure that the study addresses those coverage gaps. Ms. Bouffault asked about the timing for completion of the study, and Mr. Condyles replied that it would take 30-45 days to complete the study. He stated that the County has several existing towers that are over 200 feet in height and gave a preliminary estimate that it may take between six to eight new 199-foot towers in order to achieve County-wide coverage. He added that four to five 100 foot towers may be needed and that they could replace some of the potential 199 foot towers. He concluded by pointing out the areas of the County on the map where improved coverage is most needed.

Ms. Bouffault stated that the County has a number of businesses including home occupations that need broadband internet to be successful. Mr. Stidham noted that the State recently completed their broadband internet survey that also helps show where residents need improved broadband internet options.

Mr. Turkel said that a major issue the Subcommittee is discussing is selling the idea of 199 foot towers which is a significant departure from the current regulations. He asked what the basis for local regulation of 199 foot towers would be in the special use permit process and whether it would be the review of the applicant's technical report – whether the requested height is needed and whether the tower would fill an actual need. Mr. Condyles replied that one approach could be to establish different height categories with different levels of regulation to encourage applicants to construct shorter towers. He added that review of the taller towers could be based on locations where coverage is needed as determined by the study. Ms. Bouffault said that she is concerned that applicants will propose towers where they want to place them rather than where the County has identified a need. Mr. Condyles replied that the study will take into consideration where the service providers have gaps in their coverage, and also stated that providers want clearly defined rules when they apply for new towers. He added that if there are corridors where tower heights should be limited to 100 feet, then those restrictions should be included in the ordinance. Ms. Bouffault said that the County has had a 100 foot restriction in the Ordinance for some time and providers are not constructing new towers. She said that we need to go with the economic reality and be flexible for the providers to serve the County.

Mr. Stidham asked how much of an enticement would it be to the service providers to construct shorter towers if only site plans were required instead of special use permits. Mr. Condyles replied that it is a huge incentive to applicants to avoid having to go through the public hearing process with a special use permit application, but they would still have to complete the same application requirements for the site plan review including a completed historical and environmental review. He added that measures to camouflage towers can also be required and evaluated through site plan review. He said that most Federal and state review requirements have been completed by the time that providers file a local zoning application, and that it is important for the County's ordinance to ensure that this information is provided for local review.

Mr. Kruhm asked whether the engineering study could include information describing what residents can currently expect for coverage in particular areas of the County. Mr. Condyles replied that a coverage map will be provided and he can speculate as to the probable type of coverage in an area, but the degree of coverage cannot be approximated. Mr. Capelli noted that Item #3 in the work program will identify coverage needs in the County that providers will hopefully use to construct new towers. He asked what can the County do if the providers do not build new towers to address the need. Mr. Condyles replied that the County then may want to issue a request for proposal (RFP) to gauge private sector interest in constructing new towers to address coverage needs. The County could establish partnerships with one or more respondents to construct new towers but would have to first determine to what extent the County's role would be in such a partnership.

Ms. Bouffault noted that Mr. Condyles has reviewed and commented on the Subcommittee's draft text amendment and has asked if these comments have been provided to Mr. Stidham. Mr. Condyles

said that he has not. Ms. Bouffault then noted a typo on Page 68 of 74 that Mr. Stidham noted for verification.

Regarding the RFP strategy, Mr. Turkel asked whether the County would contribute funds towards infrastructure in such a partnership or would grant some level of exclusivity to that provider. Mr. Condyles replied that the County would have to determine what level of participation that would be. This could be a minimal approach such as allowing preferred providers to co-locate on County structures or to site new towers on County properties, or it could be a larger monetary investment in constructing new towers with the private sector partner. He noted that the County's educated population and weekend residents and visitors from the Washington metropolitan area provide an attractive demographic for providers to serve. Mr. Stidham added that the County's ordinance plus the engineering study should provide a clear picture to applicants as to the needs and regulatory processes they will be facing. He said the RFP strategy would be "Plan B" if the providers are not expanding service in the County.

Mr. Turkel said that the Subcommittee's approach is to reduce regulatory barriers to providers and allow the market to drive provision of service, and then determine how to sell this concept and evaluate new applications. Mr. Stidham said that if providers are on an annual build schedule, being able to avoid the six-month long special use permit process by filing a site plan for review is a big benefit. Mr. Condyles noted that it typically takes a year and a half for a provider to get approval to construct a new tower from the time that they identify an area of need. He added that providers will be enticed to build new towers where the County has identified the need, but the County would retain the right to deny the tower if it does not meet the technical criteria set forth in the ordinance.

Ms. Bouffault asked for confirmation that the report will be complete by mid-October, and Mr. Condyles said that he will have the report finished and provided to Staff before his vacation begins on October 19. He said that an additional meeting can be held before the meeting to review the work on the maps before the study is finished. He also said that he will provide his comments on the ordinance to Staff for review and dissemination to the Subcommittee. Regarding the draft ordinance, Mr. Condyles said that work needs to be done on the tower classes and descriptions and be based on height. He said that he thought the ordinance could be fine-tuned relatively quickly. Mr. Stidham said that the sections on third-party technical review and criteria for site plan review will have to be expanded.

Mr. Stidham asked if the NEPA review includes notification to conservation easement holders. Mr. Condyles replied that he did not think that it did. He added that impacts to conservation easements and scenic byways can be evaluated in the County's ordinance.

Mr. Stidham asked the members to provide any additional comments on the draft ordinance and he will distribute Mr. Condyles's suggested revisions as soon as they are ready. Mr. Condyles said that he could see the University of Virginia being interested in adding a facility at Blandy Experimental Farm. Ms. Bouffault said that Blandy may be a good location for one to serve that end of the County, and Mr. Stidham added that it could be a solution to avoiding towers on eased properties. Mr. Condyles asked if camouflaged towers could be placed on eased properties, and Mr. Stidham said that it would depend on the policies of the easement-holding organizations. Mr. Condyles said that

this could be a good enticement for providers to construct well-designed camouflaged towers that would be submitted for review with detailed architectural renderings.

Mr. Stidham said that he would work to schedule another Subcommittee meeting to review ordinance comments either after an upcoming briefing meeting or a Thursday afternoon at 4:00PM.

The meeting was adjourned at 5:21PM.

A handwritten signature in black ink, appearing to read 'B. Stidham', written over a horizontal line.

Brandon Stidham, Planning Director